

107TH CONGRESS
1ST SESSION

S. 1352

To amend the National and Community Service Act of 1990 to carry out the Americorps program as a voucher program that assists charities serving low-income individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the National and Community Service Act of 1990 to carry out the Americorps program as a voucher program that assists charities serving low-income individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “AmeriCorps Reform
5 and Charitable Expansion Act”.

1 **SEC. 2. NATIONAL SERVICE THROUGH QUALIFIED CHAR-**
 2 **ITIES.**

3 Subtitle C of title I of the National and Community
 4 Service Act of 1990 (42 U.S.C. 12571) is amended to read
 5 as follows:

6 **“SEC. 121. PROVISION OF ASSISTANCE AND APPROVED NA-**
 7 **TIONAL SERVICE POSITIONS TO STATE COM-**
 8 **MISSIONS.**

9 “(a) GRANTS TO STATE COMMISSIONS.—Subject to
 10 the availability of appropriations, the Corporation shall
 11 make grants to State Commissions to enable the State
 12 Commissions to provide vouchers to participants to per-
 13 form national service for qualified charities described in
 14 section 122.

15 “(b) PROVISION TO STATE COMMISSIONS OF AP-
 16 PROVED NATIONAL SERVICE POSITIONS.—As part of the
 17 provision of assistance under subsection (a), the Corpora-
 18 tion shall—

19 “(1) allocate among the State Commissions ap-
 20 proved national service positions for participants;

21 “(2) approve the provision of national service
 22 educational awards described in subtitle D for par-
 23 ticipants; and

24 “(3) deposit in the National Service Trust es-
 25 tablished in section 145(a) an amount equal to the
 26 product of—

3 “(B) the total number of approved national
4 service positions to be provided through the
5 State Commissions.

12 "SEC. 122. PROVISION OF VOUCHERS TO QUALIFIED INDIVIDUALS.

“(a) LIST.—Each State Commission shall maintain a list of charities that the commission has determined to be qualified charities and seek participants to perform national service in the State. The State Commission shall make the list available to qualified individuals who seek to receive vouchers to perform national service for the charities.

21 “(b) SELECTION OF VOUCHER RECIPIENTS.—

22 “(1) IN GENERAL.—The State Commission
23 shall select qualified individuals to receive the vouch-
24 ers. If the number of qualified individuals seeking
25 vouchers from the State Commission for a fiscal

1 year exceeds the number of vouchers that the Com-
 2 mission has available to provide for the fiscal year,
 3 the Commission shall select qualified individuals to
 4 receive the vouchers for the fiscal year through a lot-
 5 tery operated in accordance with such standards as
 6 the Corporation may issue.

7 “(2) QUALIFICATIONS.—To be qualified to re-
 8 ceive a voucher, an individual shall be age 18 or
 9 older.

10 “(c) SELECTION OF CHARITIES.—A qualified indi-
 11 vidual who receives a voucher shall select a qualified char-
 12 ity from the list described in subsection (a), and perform
 13 national service under this subtitle for that charity.

14 “(d) QUALIFIED CHARITY.—In this section:

15 “(1) IN GENERAL.—The term ‘qualified charity’
 16 means, subject to paragraph (6), any organization—

17 “(A) that is described in section 501(c)(3)
 18 of the Internal Revenue Code of 1986 and ex-
 19 empt from tax under section 501(a) of such
 20 Code;

21 “(B) that is certified by the State Commis-
 22 sion as meeting the requirements of paragraphs
 23 (3) and (4); and

1 “(C) that annually reports the information
2 required to be furnished under paragraph (5) to
3 the State Commission.

4 “(2) COLLECTION ORGANIZATION TREATED AS
5 QUALIFIED CHARITY.—

6 “(A) IN GENERAL.—A collection organiza-
7 tion shall be treated as a qualified charity.

8 “(B) COLLECTION ORGANIZATION.—The
9 term ‘collection organization’ means an organi-
10 zation described in section 501(c)(3) of the In-
11 ternal Revenue Code of 1986 and exempt from
12 tax under section 501(a) of such Code—

13 “(i) that solicits and collects gifts and
14 grants that, by agreement, are distributed
15 to qualified charities described in para-
16 graph (1);

17 “(ii) that distributes to qualified char-
18 ities described in paragraph (1) at least 90
19 percent of the gifts and grants received
20 that are designated for such qualified char-
21 ities; and

22 “(iii) that meets the requirements of
23 subparagraph (C).

“(C) ADDITIONAL REQUIREMENTS.—The requirements of this subparagraph are met if the organization—

“(i) maintains separate accounting for revenues and expenses; and

“(ii) makes available to the public information on administrative and fundraising costs and information regarding any organization receiving funds from the collection organization and the amount of such funds.

“(3) CHARITY SHALL PRIMARILY ASSIST POOR INDIVIDUALS AND FAMILIES.—

“(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the State Commission involved reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals from families, and families, whose annual incomes generally do not exceed 185 percent of the poverty line in order to prevent or alleviate poverty among such individuals and families.

“(B) NO RECORDKEEPING IN CERTAIN CASES.—An organization shall not be required

to establish or maintain records with respect to the incomes of individuals and families for purposes of subparagraph (A) if such individuals or families are members of groups that are generally recognized as including substantially only individuals and families described in subparagraph (A).

“(C) FOOD AID AND HOMELESS SHELTERS.—Except as otherwise provided by the State Commission, for purposes of subparagraph (A), services to individuals and families in the form of—

“(i) provision of food or meals; or

“(ii) provision of temporary shelter to homeless individuals,

shall be treated as provided to individuals and families described in subparagraph (A) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals and families described in subparagraph (A).

“(D) DEFINITION.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and

Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(4) MINIMUM EXPENSE REQUIREMENT.—

“(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the State Commission reasonably expects that the annual poverty program expense of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

“(B) POVERTY PROGRAM EXPENSE.—In subparagraph (A):

“(i) IN GENERAL.—The term ‘poverty program expense’ means any expense paid or incurred in providing program services described in paragraph (3).

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) any management or general expense;

“(II) any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986;

1 “(III) any expense for the pur-
2 pose of fundraising;

3 “(IV) any expense for a legal
4 service provided on behalf of any indi-
5 vidual or family described in para-
6 graph (3); and

7 “(V) any expense that consists of
8 a payment to an affiliate of the orga-
9 nization.

10 “(5) REPORTING REQUIREMENT.—The infor-
11 mation required to be furnished under this para-
12 graph is—

13 “(A) each category of services (including
14 food, shelter, education, substance abuse pre-
15 vention or treatment, job training, or other
16 services) that constitute the predominant activi-
17 ties of the organization; and

18 “(B) the percentages determined by divid-
19 ing the organization’s expenses for the year for
20 each such category of services by the total ex-
21 penses of the organization for the year,
22 including—

23 “(i) expenses for program services;

24 “(ii) management expenses;

25 “(iii) general expenses;

1 “(iv) fundraising expenses; and

2 “(v) expenses for payments to affili-
3 ates.

4 “(6) STATE LAW.—The definition of ‘qualified
5 charity’ may be further limited, for purposes of ap-
6 plication of this subtitle in a State, under State law
7 to an organization—

8 “(A) that has been operating for at least
9 1 year or is controlled by, or operated under the
10 auspices of, an organization that has been oper-
11 ating for at least 1 year; and

12 “(B) with expenses for the purpose of in-
13 fluencing legislation (as defined in section
14 4911(d) of the Internal Revenue Code of 1986),
15 litigation on behalf of any individual or family
16 described in paragraph (3), voter registration,
17 political organizing, public policy advocacy, or
18 public policy research in an amount not in ex-
19 cess of 5 percent of the total expenses of the or-
20 ganization.

21 **“SEC. 123. VOUCHERS.**

22 “An eligible individual who is selected to receive a
23 voucher from a State Commission under section 122 shall
24 receive from the State Commission—

1 “(1) through the voucher, the benefits described
 2 in section 124, including a national service edu-
 3 cational award; and

4 “(2) the aids and services described in section
 5 124(d).

6 **“SEC. 124. LIVING ALLOWANCES AND EDUCATIONAL**
 7 **AWARDS.**

8 “(a) PROVISION OF LIVING ALLOWANCE.—

9 “(1) LIVING ALLOWANCE REQUIRED.—Subject
 10 to paragraph (3), the State Commission shall pro-
 11 vide to each participant who participates on a full-
 12 time basis in the program carried out under this
 13 subtitle an annual living allowance in an amount
 14 equal to or greater than the average annual subsist-
 15 ence allowance provided to VISTA volunteers under
 16 section 105 of the Domestic Volunteer Service Act
 17 of 1973 (42 U.S.C. 4955).

18 “(2) LIMITATION ON FEDERAL SHARE.—The
 19 amount of the annual living allowance provided
 20 under paragraph (1) that may be paid using assist-
 21 ance provided under section 121 and using any other
 22 Federal funds shall not exceed 85 percent of the av-
 23 erage annual subsistence allowance described in
 24 paragraph (1). The State Commission shall provide
 25 the non-Federal share of the cost of such allowance

1 for a participant from State and private sources,
2 which may include contributions made by the quali-
3 fied charity for the participant.

4 “(3) MAXIMUM LIVING ALLOWANCE.—The total
5 amount of an annual living allowance that may be
6 provided to a participant under paragraph (1) in a
7 national service program shall not exceed 200 per-
8 cent of the average annual subsistence allowance de-
9 scribed in paragraph (1).

10 “(4) PRORATION OF LIVING ALLOWANCE.—The
11 amount provided as a living allowance under this
12 subsection shall be prorated in the case of a partici-
13 pant who is authorized to serve a reduced term of
14 service under section 125(b)(3).

15 “(5) WAIVER OR REDUCTION OF LIVING AL-
16 LOWANCE.—The Corporation may waive or reduce
17 the requirement of paragraph (1) with respect to
18 participants providing service to assist in the activi-
19 ties of a qualified charity if—

20 “(A) such requirement is inconsistent with
21 the objectives of the activities; and

22 “(B) the amount of the living allowance
23 that will be provided to each full-time partici-
24 pant is sufficient to meet the necessary costs of
25 living (including food, housing, and transpor-

1 tation) in the area in which the activities are lo-
2 cated.

3 “(6) EXEMPTION.—The requirement of para-
4 graph (1) shall not apply to any program that was
5 in existence, and eligible for assistance under the na-
6 tional service laws, on the date of enactment of the
7 National and Community Service Trust Act of 1993.

8 “(b) HEALTH INSURANCE.—

9 “(1) IN GENERAL.—

10 “(A) POLICY.—The State Commission
11 shall provide a basic health care policy for each
12 full-time participant in the program carried out
13 under this subtitle, if the participant is not oth-
14 erwise covered by a health care policy.

15 “(B) NON-FEDERAL SHARE.—The amount
16 of the cost of a premium for such a policy pro-
17 vided under this paragraph that may be paid
18 using assistance provided under section 121
19 and using any other Federal funds shall not ex-
20 ceed 85 percent of the cost. The State Commis-
21 sion shall provide the non-Federal share of the
22 cost of the premium for such a policy for a par-
23 ticipant from State and private sources, which
24 may include contributions made by the qualified
25 charity for the participant.

1 “(C) STANDARDS.—The Corporation shall
2 establish minimum standards that all health
3 care plans shall meet in order to qualify for
4 payment under this subtitle, any circumstances
5 in which an alternative health care policy may
6 be substituted for the basic health care policy,
7 and mechanisms to prohibit a participant from
8 dropping existing coverage (existing as of the
9 date the participant was selected to participate
10 in the program carried out under this subtitle).

11 “(2) OPTION.—The State Commission may pro-
12 vide a health care policy for participants that does
13 not meet all of the minimum standards established
14 by the Corporation if the fair market value of such
15 policy is equal to or greater than the fair market
16 value of a plan that meets the minimum standards
17 established by the Corporation, and is consistent
18 with other applicable laws.

19 “(c) CHILD CARE.—

20 “(1) AVAILABILITY.—The State Commission
21 shall provide a child care allowance to each full-time
22 participant who needs such assistance in order to
23 serve as a participant.

1 “(2) GUIDELINES.—The Corporation shall es-
2 tablish guidelines regarding the value of any child
3 care allowance to be provided.

4 “(d) INDIVIDUALIZED SUPPORT SERVICES.—The
5 State Commission shall provide reasonable accommoda-
6 tion, including auxiliary aids and services (as defined in
7 section 3(1) of the Americans with Disabilities Act of
8 1990 (42 U.S.C. 12102(1))), based on the individualized
9 need of a participant who is a qualified individual with
10 a disability (as defined in section 101(8) of such Act (42
11 U.S.C. 12111(8))).

12 “(e) LIMITATION ON NUMBER OF TERMS OF SERV-
13 ICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—
14 The State Commission may not use assistance provided
15 under section 121, or any other Federal funds, to provide
16 a living allowance under subsection (a), a health care pol-
17 icy under subsection (b), or a child care allowance under
18 subsection (c), to an individual for a third, or subsequent,
19 term of service described in section 125(b) by the indi-
20 vidual in the program carried out under this subtitle.

21 “(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—
22 A participant in the program carried under this subtitle
23 shall be eligible for the national service educational award
24 described in subtitle D if the participant satisfies the eligi-

1 bility requirements specified in section 146 with respect
 2 to service in an approved national service position.

3 “(g) TRANSFERS.—

4 “(1) IN GENERAL.—A participant in the pro-
 5 gram carried out under this subtitle who receives a
 6 national service educational award under section 148
 7 may elect to transfer the award to another individual
 8 (referred to in this subsection as the ‘receiving indi-
 9 vidual’).

10 “(2) ELIGIBILITY.—In a case in which a partic-
 11 ipant elects to transfer a national service educational
 12 award to a receiving individual—

13 “(A) the receiving individual, in order to
 14 be eligible to receive and use the award, shall
 15 meet the requirements of section 146(a)(3),
 16 shall not be prohibited from receiving or using
 17 the award under subsection (d) or (e) of section
 18 146, and shall submit the applications described
 19 in or otherwise meet the requirements applica-
 20 ble to individuals under subsection (b), (c), (d),
 21 or (e), as appropriate, of section 148; and

22 “(B) references to an individual receiving
 23 or using such an award in the sections and sub-
 24 sections described in subparagraph (A) shall be
 25 considered to refer to the receiving individual.

1 **“SEC. 125. TERMS OF SERVICE.**

2 “(a) IN GENERAL.—As a condition of receiving a
3 voucher under this subtitle, a participant shall be required
4 to perform full- or part-time national service for at least
5 1 term of service specified in subsection (b).

6 “(b) TERM OF SERVICE.—

7 “(1) FULL-TIME SERVICE.—An individual per-
8 forming full-time national service shall agree to par-
9 ticipate in the activities of a qualified charity for not
10 less than 1,700 hours during a period of not less
11 than 9 months and not more than 1 year.

12 “(2) PART-TIME SERVICE.—Except as provided
13 in paragraph (3), an individual performing part-time
14 national service shall agree to participate in the ac-
15 tivities of a qualified charity for not less than 900
16 hours during a period of—

17 “(A) not more than 2 years; or

18 “(B) not more than 3 years if the indi-
19 vidual is enrolled in an institution of higher
20 education while performing all or a portion of
21 the service.

22 “(3) REDUCTION IN HOURS OF PART-TIME
23 SERVICE.—The State Commission may reduce the
24 number of hours required to be served to success-
25 fully complete part-time national service to a level
26 determined by the State Commission, except that

1 any reduction in the required term of service shall
 2 include a corresponding reduction in the amount of
 3 any national service educational award that may be
 4 available under subtitle D with regard to that serv-
 5 ice.

6 “(c) RELEASE FROM COMPLETING TERM OF SERV-
 7 ICE.—

8 “(1) RELEASE AUTHORIZED.—The Corporation
 9 may release a participant from completing a term of
 10 service—

11 “(A) for compelling personal circumstances
 12 as demonstrated by the participant; or

13 “(B) for cause.

14 “(2) EFFECT OF RELEASE FOR COMPELLING
 15 CIRCUMSTANCES.—In the case of a participant eligi-
 16 ble for release under paragraph (1)(A), the Corpora-
 17 tion may elect—

18 “(A) to grant such release and provide to
 19 the participant that portion of the national
 20 service educational award corresponding to the
 21 portion of the term of service actually com-
 22 pleted, as provided in section 147(c); or

23 “(B) to permit the participant to tempo-
 24 rarily suspend performance of the term of serv-
 25 ice for a period of up to 2 years (and such addi-

1 tional period as the Corporation may allow for
2 extenuating circumstances) and, upon comple-
3 tion of such period, to allow return to the quali-
4 fied charity with which the individual was serv-
5 ing in order to complete the remainder of the
6 term of service and obtain the entire national
7 service educational award.

8 “(3) EFFECT OF RELEASE FOR CAUSE.—A par-
9 ticipant released for cause may not receive any por-
10 tion of the national service educational award.

11 **“SEC. 126. SUPERVISORY AND REPORTING REQUIREMENTS.**

12 “Charitable organizations and participants partici-
13 pating in programs carried out under this subtitle shall
14 comply with supervisory and reporting requirements
15 issued by the Corporation.”.

16 **SEC. 3. STATE COMMISSIONS.**

17 Section 178 of the National and Community Service
18 Act of 1990 (42 U.S.C. 12638) is amended by adding at
19 the end the following:

20 “(k) CONSOLIDATED OFFICES.—A State that oper-
21 ates a State Commission to carry out programs under this
22 title and a separate State office to carry out programs
23 under title I of the Domestic Volunteer Service Act of
24 1973 (42 U.S.C. 4951 et seq.) may operate a single con-
25 solidated State office to carry out the programs.”.

1 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) INTRODUCTORY PROVISIONS.—

3 (1) Section 1 of the National and Community
4 Service Act of 1990 (42 U.S.C. prec. 12501) is
5 amended by striking subsection (b).

6 (2) Section 101 of such Act (42 U.S.C. 12511)
7 is amended—

8 (A) by striking paragraph (3); and

9 (B) in paragraph (19)—

10 (i) by striking “119(b)(1), or 122(a),”
11 and inserting “or 119(b)(1),”; and

12 (ii) by adding at the end the fol-
13 lowing: “The term includes a program that
14 receives funds under subtitle C.”.

15 (b) SERVICE-LEARNING PROGRAMS.—Section 117D
16 of such Act (42 U.S.C. 12545) is amended by striking
17 subsection (b).

18 (c) NATIONAL SERVICE TRUST.—

19 (1) Section 146 of such Act (42 U.S.C. 12602)
20 is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (2), by striking “po-
23 sition or” and all that follows and insert-
24 ing “position;”; and

25 (ii) in paragraph (3)—

1 (I) in subparagraph (A), by add-
2 ing “or” at the end;

3 (II) in subparagraph (B), by
4 striking “; or” and inserting “; and”;
5 and

6 (III) by striking subparagraph
7 (C); and

8 (B) in subsection (b), by striking “139(b)”
9 and inserting “125(b)”.

10 (2) Section 147(c) of such Act (42 U.S.C.
11 12603(c)) is amended by striking “139(c)(1)(A)”
12 and inserting “125(c)(1)(A)”.

13 (3) Section 148(f) of such Act (42 U.S.C.
14 12604(f)) is amended by striking “With” and all
15 that follows through “may” and inserting “A quali-
16 fied charity carrying out a program that receives
17 funds under subtitle C may”.

18 (d) ADMINISTRATIVE PROVISIONS.—

19 (1) Section 171(c) of such Act (42 U.S.C.
20 12631(c)) is amended by striking “139” and insert-
21 ing “125”.

22 (2) Section 178 of such Act (42 U.S.C. 12638)
23 is amended—

1 (A) in subsection (a)(2), by striking “sec-
2 tions 117B and 130” and inserting “section
3 117B and subtitle C”;

4 (B) in subsection (c)(1), by striking sub-
5 paragraph (I) and inserting the following:

6 “(I) A representative of a national service
7 program carried out by a qualified charity
8 under subtitle C.”;

9 (C) in subsection (e)—

10 (i) in paragraph (2), by striking “sec-
11 tions 117B and 130” and inserting “sec-
12 tion 117B and subtitle C”;

13 (ii) in paragraph (4), by striking
14 “under section 130 for” and inserting
15 “under subtitle C for assistance, includ-
16 ing”;

17 (iii) by striking paragraph (6);

18 (iv) in paragraph (7), by striking
19 “section 140” and all that follows and in-
20 serting “section 124.”;

21 (v) by striking paragraph (8) and in-
22 serting the following:

23 “(8) Development of a State system for dis-
24 semination of information concerning qualified char-

ities that carry out national service programs under subtitle C.”;

(vi) by striking paragraph (9) and inserting the following:

“(9) Administration of the voucher program that is conducted by the State using assistance provided to the State under section 121.”; and

(vii) by striking paragraph (10); and

(D) in subsection (f), by striking “section 121” and inserting “subtitle C”.

(3) Section 179 of such Act (42 U.S.C. 12639) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “and” at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2); and

(B) by striking subsections (g) and (i).

(4) Section 193A of such Act (42 U.S.C. 12651d) is amended—

(A) in subsection (b)(10)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

1 (II) by redesignating clauses (ii)
 2 through (vii) as clauses (i) through
 3 (vi), respectively; and
 4 (ii) in subparagraph (B), by striking
 5 “service corps assisted under subtitle C
 6 and other”; and
 7 (B) in subsection (f)—
 8 (i) in paragraph (1), by striking “sub-
 9 titles C and I” and inserting “subtitle I”;
 10 and
 11 (ii) by striking paragraph (2).

12 (5) Section 195(c)(2) of such Act (42 U.S.C.
 13 12651f(c)(2)) is amended—

14 (A) in subparagraph (A), by inserting
 15 “and” at the end;
 16 (B) by striking subparagraph (B); and
 17 (C) by redesignating subparagraph (C) as
 18 subparagraph (B).

19 (e) INVESTMENT FOR QUALITY AND INNOVATION.—
 20 Section 198(b)(1) of such Act (42 U.S.C. 12653(b)(1))
 21 is amended by striking “subtitle B or C” and inserting
 22 “subtitle B”.

23 (f) AMERICAN CONSERVATION AND YOUTH SERVICE
 24 CORPS.—

1 (1) Section 199A of such Act (42 U.S.C.
2 12655) is amended by striking the second sentence.

3 (2) Section 199K(a)(2) of such Act (42 U.S.C.
4 12655l(a)(2)) is amended by striking “section 121,”
5 and inserting “subtitle C,”.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
7 501(a) of such Act (42 U.S.C. 12681(a)) is amended—

8 (1) in paragraph (2)(B), by striking “under
9 section 125, under subsections (b) and (c) of section
10 126, and”; and

11 (2) in paragraph (4), by striking subparagraph
12 (B).

13 **SEC. 5. EFFECTIVE DATE.**

14 The amendments made by this Act take effect 1 year
15 after the date of enactment of this Act.

○